

113th Congress }  
1st Session }

COMMITTEE PRINT

{ S. PRT.  
113-15 }

**EXPENDITURE AUTHORIZATIONS  
AND REQUIREMENTS FOR  
SENATE COMMITTEES**



APRIL 26, 2013

Printed for the use of the

**Committee on Rules and Administration  
United States Senate**

Available via the World Wide Web: <http://www.fdsys.gov>

U.S. GOVERNMENT PRINTING OFFICE

78-505

WASHINGTON : 2013

COMMITTEE ON RULES AND ADMINISTRATION

CHARLES E. SCHUMER, New York, *Chairman*

DIANNE FEINSTEIN, California  
RICHARD J. DURBIN, Illinois  
PATTY MURRAY, Washington  
MARK L. PRYOR, Arkansas  
TOM UDALL, New Mexico  
MARK WARNER, Virginia  
PATRICK J. LEAHY, Vermont  
AMY KLOBUCHAR, Minnesota  
ANGUS S. KING, JR., Maine

PAT ROBERTS, Kansas  
MITCH McCONNELL, Kentucky  
THAD COCHRAN, Mississippi  
C. SAXBY CHAMBLISS, Georgia  
LAMAR ALEXANDER, Tennessee  
RICHARD C. SHELBY, Alabama  
ROY BLUNT, Missouri  
TED CRUZ, Texas

JEAN PARVIN BORDEWICH, *Staff Director*

MARY SUIT JONES, *Republican Staff Director*

MARIA KEEBLER, *Director, Administration and Policy*

LEANN A. ALWOOD, *Chief Auditor*

## PREFACE

The Rules Committee will report a 2-year budget resolution in 2013 which will authorize operating funds to Senate committees for both sessions of the 113th Congress. Committees are advised that uncertainty about the availability of appropriated funds for the three budget periods of the 113<sup>th</sup> Congress may require interim expenditure guidance.

This revised committee print has been prepared by the Committee on Rules and Administration to assist Senate committee members and staff in arriving at their budget recommendations for the next two years and in preparing the supporting materials that will be required by this committee. The fiscal years for expenditure authorizations will be the 7-month period from March 1, 2013, through September 30, 2013; the 12-month period from October 1, 2013, through September 30, 2014; and, the 5-month period from October 1, 2014, through February 28, 2015.

Pursuant to paragraph 9 of Rule XXVI of the Standing Rules of the Senate, each Senate committee, excluding the Select Committee on Ethics and Committee on Appropriations, must report a resolution authorizing it to make expenditures to meet its expenses. The resolution must be reported to the Senate not later than January 31, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within 30 days after the date on which the designation of such members is completed.

This committee print provides Senate committees with detailed information on the requirements for expenditure authorizations for the 2-year funding period beginning March 1, 2013. Included are sample resolutions and budget forms, regulations in respect to procurement of consultants and the training of professional staff members, and committee staff salary totals.

The table on page 39 lists funds authorized by the Senate for the 111th and 112th Congresses for Senate committees. Included are the annual authorizations for Senate standing, select, and special committees reported favorably by the Committee on Rules and Administration. The table on page 40 lists stopgap guidance for fiscal 2012 and for the first 5 months of fiscal year 2013.

*Budget package.*—Committees must submit to the Rules Committee a budget package which contains the budget, completed questionnaires and a cover letter. Committees may choose to include other supporting documents and memoranda as well. The budget and questionnaires must be submitted on forms provided by the Rules Committee. The funding questionnaire must be signed jointly by the chairman and ranking minority member or by the staff director and minority staff director, unless the minority does not concur with the information on the questionnaire. The sup-

porting cover letter must be signed jointly by the chairman and the ranking minority member of the committee. All submissions must be made electronically and in the form of a signed original and two printed copies.

*Consultants and training.*—Any committee desiring authority and funds to hire consultants or to train professional staff must include appropriate language in its resolution. Consultants must be selected jointly by the chairman and the ranking minority member and approved in advance by the Rules Committee. Please allow a minimum of five business days for the Rules Committee to process a request for approval.

*Supplemental expenditure resolutions.*—This provision is explained in the chapter entitled “Supplemental Expenditure Authorizations”. (See p. 9.)

*Select, special, and joint committees.*—Select and special committees of the Senate, joint committees financed by the Senate, as well as standing committees must follow the procedures and regulations in this document.

Please contact the Committee on Rules and Administration if we can be of assistance to your committee.

CHARLES E. SCHUMER,  
*Chairman,*  
PAT ROBERTS,  
*Ranking Member,*  
*Committee on Rules and Administration.*

# CONTENTS

---

	Page
Preface .....	III
Committee expenditure authorizations:	
Authority .....	1
Fiscal year for expenditure authorizations .....	2
Submission date for resolutions .....	2
Format of resolutions .....	2
Consultants and staff training .....	2
Division of funding and office space for the majority and minority .....	3
Colloquy .....	3
Joint leadership letter .....	4
Budgets and supporting materials .....	4
Sample biennial resolution form:	
<i>Form 1</i> —Requesting funding for expenditures (with or without funds for consultants or training of professional staff) .....	5
Sample budget form .....	8
Supplemental expenditure authorizations:	
Authority .....	9
Accompanying report required .....	9
Format of supplemental resolutions .....	9
Sample resolution forms:	
<i>Form 2</i> —Requesting supplemental funds solely for general expendi- tures .....	10
<i>Form 3</i> —Requesting supplemental funds solely for the procurement of consultants .....	11
<i>Form 4</i> —Increasing the limitation on the portion of funds authorized for the procurement of consultants or the training of professional staff .....	12
Procurement of consultants by Senate committees:	
Statutory authority .....	13
Definition of “consultant” .....	14
Prerequisite for procurement .....	14
Selection of consultants .....	14
Rules Committee responsibility .....	14
Methods of procurement .....	15
Appointment of individual consultants .....	16
Procurement of consultants by contract .....	17
Sample contracts .....	18
Fixed-fee product contract .....	19
Service contract .....	20
Training of professional staff:	
Statutory authority .....	21
Summary of essential requirements .....	22
Regulations governing training of professional staff of Senate committees .....	22
Agreement on continued employment .....	25
Use of agency personnel by committees of the Senate (reimbursable and non-reimbursable services):	
Authority .....	26
Procedure .....	26
Compensation for committee staff .....	28
Assistance with committee-related work .....	29
Regulation to provide more effective control over payments made from contin- gent fund of the Senate .....	30
Regulations governing semi-annual contingent fund reconciliation .....	31

# VI

	Page
Regulations governing payments and reimbursements from the Senate contin- gent fund for expenses of Senate committees and administrative offices .....	33
Contract status report (form) .....	36
Regulations governing cash advances for official Senate travel .....	37
Policy on committee work and housing for committee staff .....	38
Senate Committee Funding, 111th & 112th Congresses (table) .....	39
Interim Guidance for FY2012 and First 5 months of FY2013 .....	40
Special Reserves .....	40

## COMMITTEE EXPENDITURE AUTHORIZATIONS

---

Committees of the Senate must request their operating funds pursuant to the procedure set forth in paragraph 9 of rule XXVI of the Standing Rules of the Senate. Each committee must report one authorization resolution authorizing it to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of all members of its staff, the procurement of consultants, the training of professional staff, and all administrative expenses. Funds in addition to and for the same purposes as those obtained pursuant to the biennial resolution must be obtained by *supplemental* expenditure authorization resolutions (see following chapter).

### Authority

The portion of paragraph 9 that relates to authorizing resolutions states:

#### PARAGRAPH 9 OF RULE XXVI OF THE STANDING RULES OF THE SENATE<sup>1</sup>

9. (a) Except as provided in subparagraph (b), each committee shall report one authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff and agency contributions related to such compensation, during the period beginning on March 1 of such year and ending on the last day of February of the following year. Such annual authorization resolution shall be reported no later than January 31 of each year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within 30 days after the date on which the designation of such members is completed.

(b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may—

(1) direct each committee to report an authorization resolution for a 2-year budget period beginning on March 1 of the first session of a Congress; and

---

<sup>1</sup>As amended, S. Res. 479, Sept. 30, 1988.

(2) report one authorization resolution containing more than one committee authorization resolution for a 1-year or 2-year budget period.

\* \* \* \* \*

### **Fiscal Year for Expenditure Authorizations**

Prior to 1999, the fiscal year for expenditure authorizations ran from March 1 through February 28 (29) of the succeeding year. This 12-month period, with an overlap of 2 months into a new calendar year, was established by the Committee on Rules and Administration in order to give the Senate sufficient time at the commencement of each new session of Congress to accommodate the several steps in the required procedure. Beginning with the 106th Congress (1999) significant changes were made to the Senate's financial systems. The Disbursing Office's implementation of the Financial Management Information System (FMIS) in fiscal year 1999 required that Senate committee budgets conform to the federal fiscal year. Consequently, the Omnibus Committee Funding Resolution now authorizes committee funding for portions of three fiscal years.

For the 113th Congress, the 2-year budget period will begin March 1, 2013, and span three fiscal years, ending February 28, 2015. A Committee's funds not spent in one authorization period expire and the committee may not carry them over to a subsequent period.

### **Submission Date for Resolutions**

Expenditure authorization resolutions must be offered by Senate committees not later than January 31. The only exception is when during the first session of a Congress the designation of the members of standing committees occurs later than January 20. In such case the resolution must be offered within 30 days of the date on which the members of a committee have been designated.

### **Format of Resolutions**

Senate standing committees are required to follow, with any necessary modifications, the sample Biennial Resolution Form 1 reproduced at the end of this chapter (page 5).

Select and special committees should submit resolutions which conform with the provisions of the resolutions by which they were created. (Confer with the Senate Legislative Counsel.)

### **Consultants and Staff Training**

Authorization for consultants or training for professional staff must be included in the funding resolutions.

Committees must follow the regulations on procurement of consultants (page 13) and on training of professional staff (page 22).



### **Division of Funding and Office Space for the Majority and Minority**

Minority participation in the appointment of committee personnel pursuant to biennial or supplemental resolutions is provided for in paragraphs 1, 2, and 3 of rule XXVII of the Standing Rules. However, in recent Congresses the allocation of funds to the majority and minority also has been addressed in a Joint Leadership Letter and Colloquy.

#### **PARAGRAPHS 1, 2, AND 3 OF RULE XXVII OF THE STANDING RULES OF THE SENATE**

1. Staff members appointed to assist minority members of committees pursuant to authority of a resolution described in paragraph 9 of rule XXVI or other Senate resolution shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

2. The minority shall receive fair consideration in the appointment of staff personnel pursuant to authority of a resolution described in paragraph 9 of rule XXVI.

3. The staffs of committees (including personnel appointed pursuant to authority of a resolution described in paragraph 9 of rule XXVI or other Senate resolution) should reflect the relative number of majority and minority members of committees. A majority of the minority members of any committee may, by resolution, request that at least one-third of all funds of the committee for personnel (other than those funds determined by the chairman and ranking minority member to be allocated for the administrative and clerical functions of the committee as a whole) be allocated to the minority members of such committee for compensation of minority staff as the minority members may decide. The committee shall thereafter adjust its budget to comply with such resolution. Such adjustment shall be equitably made over a 4-year period, commencing July 1, 1977, with not less than one-half being made in 2 years. Upon request by a majority of the minority members of any committee by resolution, proportionate space, equipment, and facilities shall be provided for such minority staff.

#### **COLLOQUY**

Mr. REID. Mr. President, 2 years ago my friend the Republican leader and I expressed our intention that the funding allocation adopted for the 112th Congress would serve for that and future Congresses. Over the prior 20 years, the apportionment of committee funding had gone from a straight two-thirds for majority and one-third for minority during the 1990s, regardless of the size of the majority and minority, to biannual negotiations during the past decade. The new funding allocation for Senate committees was based on the party division of the Senate, with 10 percent of the total majority and minority salary baseline going to the majority for administrative expenses. However, regardless of the party divi-

sion of the Senate, the minority share of the majority and minority salary baseline will never be less than 40 percent, and the majority share will never exceed 60 percent. This approach met our needs for the last Congress, and I would like to see it continue.

Mr. McCONNELL. Mr. President, I, too, would like to continue this approach for the 113th and future Congresses. It serves the interest of the Senate and the public by helping to retain core committee staff with institutional knowledge, regardless of which party is in the majority. We made a transition in the last Congress to restore special reserves to its historic purpose, but appropriations cuts prevented special reserves from being funded. To the extent possible, we should try to fund special reserves in order to be able to assist committees that face urgent, unanticipated, non-recurring needs. We know that we will continue to face tight budgets for the foreseeable future, and we have to bring funding authorizations more in line with our actual resources while ensuring that committees are able to fulfill their responsibilities. I look forward to continuing to work with my friend the majority leader to accomplish this.

Mr. REID. I thank my friend, the Republican leader, and ask unanimous consent that a joint leadership letter be printed in the Record.

#### JOINT LEADERSHIP LETTER

We mutually commit to the following for the 113th Congress:

The budgets of the Committees of the Senate, including Joint and Special Committees, and all other subgroups, shall be apportioned to reflect the ratio of the Senate as of this date, including an additional ten percent (10%) from the majority and minority salary baseline to be allocated to the Chairman for administrative expenses, to be determined by the Rules Committee.

Special Reserves has been restored to its historic purpose. Requests for funding will only be considered when submitted by a Committee Chairman and Ranking Member for unanticipated, non-recurring needs. Such requests shall be granted only upon the approval of the Chairman and Ranking Member of the Rules Committee.

Funds for Committee expenses shall be available to each Chairman consistent with Senate rules and practices of the 112th Congress.

The Chairman and Ranking Member of any Committee may, by mutual agreement, modify the apportionment of Committee funding and office space.

The division of Committee office space shall be commensurate with this funding agreement.

#### **Budgets and Supporting Materials**

Senate committees offering expenditure resolutions are required to submit to the Committee on Rules and Administration accompanying budgets, together with supporting materials, in the form of letters or memoranda. All submissions should be made electronically and in the form of a signed original and two printed copies.

*Budgets.*—The budgets should be prepared on budget forms obtainable from the Rules Committee.

*Supporting materials.*—Supporting letters or memoranda should be signed jointly by the *chairman and ranking minority member* of requesting committees.

*Questionnaires.*—The completed questionnaires should be signed jointly by the *chairman and ranking minority member* or by the *staff director and minority staff director* of the committee, unless the minority does not concur with the information supplied therein.

### ***Biennial Resolution Form 1***

**[Requesting funding for expenditures with or without funds  
for consultants or training of professional staff]**

113TH CONGRESS  
1st Session

**S. RES.** \_\_\_\_\_

## IN THE SENATE OF THE UNITED STATES

Mr./Mrs./Ms. \_\_\_\_\_, from the Committee on \_\_\_\_\_, reported  
the following original resolution; which was \_\_\_\_\_

# RESOLUTION

Authorizing expenditures by the Committee \_\_\_\_\_.

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on \_\_\_\_\_ is authorized from March 1, 2013, through September 30, 2013; October 1, 2013, through September 30, 2014; and October 1, 2014, through February 28, 2015, in its discretion: (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reim-

bursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2013, through September 30, 2013, under this resolution shall not exceed \$—<sup>(1)</sup>—, of which amount (1) not to exceed \$—<sup>(2)</sup>— may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$—<sup>(3)</sup>— may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2013, through September 30, 2014, expenses of the committee under this resolution shall not exceed \$—<sup>(4)</sup>—, of which amount (1) not to exceed \$—<sup>(5)</sup>— may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$—<sup>(6)</sup>— may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed \$—<sup>(7)</sup>—, of which amount (1) not to exceed \$—<sup>(8)</sup>— may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$—<sup>(9)</sup>— may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked

<sup>1</sup> Insert total amount requested for 2013 funding period.

<sup>2</sup> Insert that portion (of total amount requested for 2013) for procurement of consultants.

<sup>3</sup> Insert that portion (of total amount requested for 2013) for training of professional staff.

<sup>4</sup> Insert total amount requested for 2014 funding period.

<sup>5</sup> Insert that portion (of total amount requested for 2014) for procurement of consultants.

<sup>6</sup> Insert that portion (of total amount requested for 2014) for training of professional staff.

<sup>7</sup> Insert total amount requested for 2015 funding period.

<sup>8</sup> Insert that portion (of total amount requested for 2015) for procurement of consultants.

<sup>9</sup> Insert that portion (of total amount requested for 2015) for training of professional staff.

and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2013, through September 30, 2013; October 1, 2013, through September 30, 2014; and October 1, 2014, through February 28, 2015.

UNITED STATES SENATE  
COMMITTEE ON RULES AND ADMINISTRATION  
SENATE COMMITTEE BUDGET FORM

(Complete applicable items)

S. Res. _____	reported by _____	(Committee name) _____
	2013 (7 mo request)	2014 (12 mo request)
	2015 (5 mo request)	
<b>RECURRING BUDGET AUTHORITY</b>	\$ _____	\$ _____
	\$ _____	\$ _____
<b>COMMITTEE STAFF SALARIES: (Itemize on pages 2 &amp; 3)</b>		
Dollar amount requested for staff	\$ _____	\$ _____
Number of full time employees	# _____	# _____
	\$ _____	\$ _____
<b>CONSULTANTS (appointments or contracts)</b>	\$ _____	\$ _____
	\$ _____	\$ _____
<b>TRAINING OF PROFESSIONAL STAFF</b>	\$ _____	\$ _____
	\$ _____	\$ _____
<b>OFFICIAL MAIL</b>	\$ _____	\$ _____
	\$ _____	\$ _____
<b>ADMINISTRATIVE EXPENSES:</b>		
Detailed employee (agency reimbursements)	\$ _____	\$ _____
Travel (interdepartmental, witness, detailee, and reporter expenses)	\$ _____	\$ _____
Hearings (all expenses relating to)	\$ _____	\$ _____
Stationery and other office supplies	\$ _____	\$ _____
Communications equipment and services	\$ _____	\$ _____
Publications, subscriptions	\$ _____	\$ _____
Mailing, delivery or transmitting of matters relating to official business	\$ _____	\$ _____
Computer systems	\$ _____	\$ _____
Non-standard computer hardware and software	\$ _____	\$ _____
Non-standard items of equipment (other than computing)	\$ _____	\$ _____
Additional equipment above allocations	\$ _____	\$ _____
Senate Services (photo and recording)	\$ _____	\$ _____
Transit Subsidy	\$ _____	\$ _____
Other (identify and explain)	\$ _____	\$ _____
<b>TOTAL ADMINISTRATIVE EXPENSES</b>	\$ _____	\$ _____
<b>TOTAL BUDGET AUTHORITY</b>	\$ _____	\$ _____

## SUPPLEMENTAL EXPENDITURE AUTHORIZATIONS

---

Any committees of the Senate requiring funds in addition to those authorized in their expenditure authorization resolutions may request such additional funds pursuant to the procedure set forth in paragraph 9 of Rule XXVI of the Standing Rules. A supplemental expenditure authorization must be in the form of a resolution amending an existing expenditure authorization resolution, and must be accompanied by a report stating why the funds now sought were not included in the committee's original request. Note: This procedure has rarely been used in recent years.

### Authority

The portion of paragraph 9 that relates to supplemental expenditure authorizations is as follows:

#### PARAGRAPH 9 OF RULE XXVI OF THE STANDING RULES OF THE SENATE

9. \* \* \* After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reported by a committee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.

### Accompanying Report Required

Senate committees intending to offer supplemental expenditure authorization resolutions must comply with the following requirements stipulated in paragraph 9 of Rule XXVI:

- (1) Each supplemental resolution reported by a committee must be accompanied by a report to the Senate; and
- (2) Each such report must specify with particularity the *purpose* for which the authorization is sought, and the *reason* it was not sought in the committee's authorization resolution.

### Format of Supplemental Resolutions

In the composition of supplemental resolutions, Senate committees are requested to follow, with any necessary modifications, one of the three sample resolution forms (Resolution Forms 2, 3, and 4) which follow:

**Resolution Form 2**

**[Requesting supplemental funds solely for general  
expenditures]**

113TH CONGRESS  
1ST SESSION

**S. RES.** \_\_\_\_\_

\_\_\_\_\_

IN THE SENATE OF THE UNITED STATES

Mr./Mrs./Ms. \_\_\_\_\_, from the Committee on \_\_\_\_\_, reported  
the following original resolution; which was \_\_\_\_\_

\_\_\_\_\_

**RESOLUTION**

Authorizing supplemental expenditures by the Committee on \_\_\_\_\_.

*Resolved*, That section \_\_\_\_ of Senate Resolution \_\_\_\_\_,  
\_\_\_\_\_ Congress, agreed to \_\_\_\_\_, 20—,  
is amended by striking out “\$\_\_\_\_\_” and inserting in lieu  
thereof “\$\_\_\_\_\_”.



**Resolution Form 3**

**[Requesting supplemental funds solely for the procurement  
of consultants]**

113TH CONGRESS  
1ST SESSION

**S. RES.** \_\_\_\_\_

IN THE SENATE OF THE UNITED STATES

Mr./Mrs./Ms. \_\_\_\_\_, from the Committee on \_\_\_\_\_, reported  
the following original resolution; which was \_\_\_\_\_

**RESOLUTION**

Authorizing supplemental expenditures by the Committee on \_\_\_\_\_  
for the procurement of consultants.

*Resolved*, That section \_\_\_\_ of Senate Resolution \_\_\_\_\_,  
\_\_\_\_\_ Congress, agreed to \_\_\_\_\_, 20\_\_\_\_,  
is amended by striking out the amount “\$\_\_\_\_\_” and  
inserting in lieu thereof “\$\_\_\_\_\_” and “\$\_\_\_\_\_”, respec-  
tively.

**Resolution Form 4**

**[Increasing the limitation on the portion of funds authorized for the procurement of consultants and/or the training of professional staff]**

113TH CONGRESS  
1ST SESSION

**S. RES.** \_\_\_\_\_

\_\_\_\_\_

IN THE SENATE OF THE UNITED STATES

Mr./Mrs./Ms. \_\_\_\_\_, from the Committee on \_\_\_\_\_, reported  
the following original resolution; which was \_\_\_\_\_

\_\_\_\_\_

**RESOLUTION**

Increasing the limitation on expenditures by the Committee on \_\_\_\_\_  
for the procurement of consultants (or training of professional staff).

*Resolved*, That section \_\_\_\_ of Senate Resolution \_\_\_\_\_,  
\_\_\_\_\_ Congress, agreed to \_\_\_\_\_, 20\_\_\_\_,  
is amended by striking “\$\_\_\_\_\_” and inserting in lieu  
thereof “\$\_\_\_\_\_”.

## PROCUREMENT OF CONSULTANTS BY SENATE COMMITTEES

---

### Statutory Authority

The procedures and conditions under which standing committees of the Senate may procure the services of individual consultants or organizations are set forth in section 202(i) of the Legislative Reorganization Act of 1946.

#### SECTION 202(i) OF THE LEGISLATIVE REORGANIZATION ACT OF 1946

##### (2 U.S.C. 72a)

(i)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Administration in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purposes, approved by such respective Houses, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction, or with respect to the administration of the affairs of the committee.<sup>1</sup>

(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent to the highest gross rate of compensation which may be paid to a regular employee of the committee. Such contracts shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring advertising.

(3) With respect to the standing committees of the Senate, any such consultant or organization shall be selected by the chairman and ranking minority member of the committee, acting jointly. With respect to the standing committees of the House of Representatives, the standing committee concerned shall select any such consultant or organization. The committee shall submit to the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such informa-

---

<sup>1</sup> As amended, Pub. Law 100-458, Oct. 1, 1988.

tion shall be retained by that committee and shall be made available for public inspection upon request.

### Definitions and Policy Determinations

#### DEFINITION OF "CONSULTANT"

For the purposes of section 202(i), the term "consultant" shall be deemed to be a person (or an organization of persons) possessing the necessary professional qualifications and experience to assist a Senate committee in specialized areas of its legislative responsibility, or in the administration of the affairs of the committee.

#### PREREQUISITE FOR PROCUREMENT

Any Senate committee desiring to procure the services of individual consultants or organizations must first seek and obtain the required authority by including within its biennial or supplemental expenditure authorization resolution an express limitation on the amount of the committee's total funding in such resolution which may be used for that purpose. A committee may not exceed that limitation for the procurement of consultants, but it may utilize unexpended funds within that limitation for other authorized purposes.

#### SELECTION OF CONSULTANTS

Paragraph (3) of section 202(i) contains the stipulation that "any such consultant or organization shall be selected by the chairman and ranking minority member of the committee, **acting jointly.**" Senate committees are requested to indicate their compliance with the above provision of law by providing that any required correspondence with the Committee on Rules and Administration (see below) be in the form of letters signed jointly by the chairman and ranking minority member of the full committee.

#### RULES COMMITTEE RESPONSIBILITY

Section 202(i) also requires (1) that Senate committees desiring to appoint individual consultants to committee payrolls or to procure the services of individuals or organizations by contract as independent contractors must provide the Committee on Rules and Administration information bearing on the qualifications of each consultant or contractor; and (2) that such information be retained by the Committee on Rules and Administration and made available for public inspection upon request.

To assist the Committee on Rules and Administration in considering requests for consultants, letters from committees should contain:

- (1) the proposed consultant's particular qualifications with the specialized area the committees plan to explore;
- (2) the probable time period the consultant's services will be required;
- (3) the correlation between the proposed consultant's qualifications and the specific committee activity;
- (4) the per day consultant fee proposed to be paid; and

- (5) the method selected to secure the consultant's services, and its appropriateness.

#### METHODS OF PROCUREMENT

Any Senate committee possessing the required authority thereof may procure the services of consultants—

- (1) by appointing individual consultants as temporary committee employees (at daily rates of compensation not exceeding the highest such rate which may be paid to a regular committee employee); or
- (2) by entering into contracts—
  - (a) between the full committee and individual consultants as individual contractors, or
  - (b) between the full committee and organizations of consultants.

Selection of the appropriate method depends on the nature of the services to be performed—

- (a) If the consultant's responsibilities include services that would normally be the regular or normal duties of staff members or if the performance of the consultant's responsibilities otherwise result in an employer-employee relationship, the consultant should be appointed as a temporary staff employee. Generally, an employer-employee relationship may be presumed where the following factors are present to a significant degree:

- (i) performance of a full-time, continuous job;
- (ii) supervision of or by Senate committee staff;
- (iii) services are performed using facilities provided by the Senate; and
- (iv) work is performed on dates or at hours established for Senate staff.

- (b) If the consultant acts as an independent contractor "to make studies or advise the committee with respect to any matter within its jurisdiction, or with respect to the administration of the affairs of the committee," services may be procured through contract.

The committee's notification of intent to appoint as a consultant or request for approval of a contract shall state that the committee has reviewed the services to be provided by the consultant and shall certify to the Committee on Rules and Administration that the committee had determined the selected method (contract or appointment) to be appropriate.

## APPOINTMENT OF INDIVIDUAL CONSULTANTS

The notification of the committee's intention to appoint an individual consultant to its staff and the information concerning the qualifications of the proposed consultant must be received by the Committee on Rules and Administration at least *five business days in advance* of the appointment date. If during that period the requesting committee receives no notice of disapproval from the Rules Committee, the appointment shall be deemed approved.

(A copy of the letter should be sent to the Financial Clerk of the Senate at the same time the letter is submitted to the Committee on Rules and Administration.)

## SAMPLE LETTER REQUESTING APPROVAL FOR CONSULTANT

Honorable \_\_\_\_\_  
Chairman, Committee on Rules and Administration,  
Room SR 305, Russell Senate Office Building  
Washington, D.C. 20510

Dear Chairman \_\_\_\_\_:

In conformity with section 202(i) of the Legislative Reorganization Act of 1946, as amended, and your policies, we are notifying you of the intention of the Committee on \_\_\_\_\_

\_\_\_\_\_ to appoint \_\_\_\_\_ as a consultant, effective \_\_\_\_\_, and enclose the required information in respect to his/her qualifications.

[Include data requested in section entitled "Rules Committee Responsibility" of this document.]

This appointment is made under the authority of S. Res. \_\_\_\_\_ (section No. \_\_\_\_\_), agreed to \_\_\_\_\_.

The committee has determined that the appointment of a consultant is the appropriate method to secure the services to be provided by this individual.

Sincerely yours,

\_\_\_\_\_,  
Chairman

\_\_\_\_\_,  
Ranking Minority Member

## PROCUREMENT OF CONSULTANTS BY CONTRACT

Contracts for individual consultants or organizations must be submitted to the Committee on Rules and Administration for approval. Information concerning qualifications should be submitted at the same time the contract is sent for approval. Only full committees, not subcommittees, may contract for consultants.

Letters from committees should—

- (1) be signed jointly by the chairman and ranking minority member;
- (2) outline the purpose of the contract, the dollar amount, the term of the contract, and the name of the contracting party;
- (3) indicate that the committee has reviewed the services to be provided by the consultant, and certify that the committee has determined that securing such services by contract is the appropriate method;
- (4) be accompanied by the original, one electronic copy and two printed copies. The original must be signed jointly by the chairman and ranking minority member;
- (5) include the background data supporting the contractor's qualifications; and
- (6) in the case of a fixed-fee product contract, be accompanied by certification from the Congressional Research Service for nonduplication of proposed study. (Attach form to letter. See page 19.)

The contract itself should set forth in full the obligations of the contractor and, where appropriate, incorporate by reference the contractor's detailed proposal. All contracts must, at a minimum, describe in reasonable detail the services to be provided or the product to be acquired, state a delivery date or period of performance, and establish a clear limit on the Senate's financial obligations under the contract by inclusion of either a fixed price or a "not to exceed \$—————" provision in contracts for which payments are incremental.

*Contracts (and consultants' qualifications) should be received sufficiently in advance of the Period of Performance to permit appropriate consideration at a regular meeting of the full Committee on Rules and Administration. When contracts are approved, notice will be given in writing. Approval of a contract will be deemed to include approval of a consultant's qualifications.*

SAMPLE CONTRACTS

The following examples of a *fixed-fee product contract*<sup>1</sup> and a *service contract*<sup>2</sup> are included here for reference.

---

<sup>1</sup>All moneys shall be chargeable to the authorizing resolution in effect on the date the contract was approved.

<sup>2</sup>All moneys shall be charged to funds available on the date services are rendered.



**FIXED-FEE PRODUCT CONTRACT****CONTRACT AGREEMENT**

THIS AGREEMENT is made and entered in this \_\_\_\_\_ day of \_\_\_\_\_, 20—, by and between the (name of committee) of the United States Senate, hereinafter referred to as the Committee, and (name of contractor), hereinafter referred to as the Contractor, subject to the approval of this agreement by the Committee on Rules and Administration of the United States Senate.

It is hereby agreed that the Committee under authority of Section \_\_\_\_\_ of Senate Resolution \_\_\_\_\_, agreed to \_\_\_\_\_, 20—, — Congress, retains the Contractor to furnish the Committee a study in accordance with the attached Statement of Work.

The Committee agrees to pay the said Contractor the sum of \$\_\_\_\_\_ to be paid upon delivery to the Committee not later than \_\_\_\_\_, 20—, of the completed study in form and content satisfactory to the Committee, provided, however, that such date may be extended by mutual agreement of the parties to this agreement, and with the approval of the Committee on Rules and Administration of the United States Senate. It is understood, however, that the Committee reserves the right to terminate this agreement at any time.

The Contractor further agrees and warrants that (it/he/she):<sup>1</sup>

1. Has not employed any person to solicit or obtain this agreement for any commission, percentage, brokerage or contingent fee;
2. Will save the Government harmless from liability in performance;
3. Will release no information obtained in carrying out the provisions of the contract without prior consent of the Committee;
4. Will not subcontract or assign elsewhere any of the work or services involved without prior consent of the Committee;
5. Will not discriminate in its performance of this agreement because of race, color, religion, national origin, sex, age, or state of physical handicap, and shall comply with all laws appertaining to the compensation of labor;
6. Has no conflict of interest, direct or indirect, financial or otherwise, which would be applicable to the performance obligations covered by this agreement.
7. If an allegation of a conflict of interest under paragraph 6 is brought to the attention of the Committee, the Contractor agrees to fully cooperate with any investigation of the allegation(s), and will disclose to the Committee any other contract(s) to which it/he/she is a party, public or private, or which it/he/she undertakes during the period of this contract (including contracts entered into during the period of this contract which include duties to be fulfilled after the termination of this contract.)

No Member or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom.

Approved by the Committee on  
Rules and Administration of the  
United States Senate

\_\_\_\_\_  
Chairman

Committee on \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Ranking Minority Member

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
Date

<sup>1</sup>In appropriate circumstances the Committee on Rules and Administration may waive, or accept modifications to the following provisions.

**SERVICE CONTRACT**  
**CONTRACT AGREEMENT**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20—, by and between the (name of committee) of the United States Senate, hereinafter referred to as the Committee, and (name of contractor), hereinafter referred to as the Contractor, subject to the approval of this agreement by the Committee on Rules and Administration of the United States Senate.

It is hereby agreed that the Committee, under authority of Section \_\_\_\_\_ of Senate Resolution —, agreed to \_\_\_\_\_, 20—, \_\_\_\_\_ Congress, retains the Contractor to render services in accordance with the attached specifications.

The Committee agrees to pay the said Contractor for all such contractual services rendered and expenses incurred in connection therewith a sum not to exceed \$\_\_\_\_\_. Such reimbursement to the Contractor shall be paid from time to time on Committee vouchers upon receipt of statements with supporting data for all expenses incurred, and the Committee's judgment shall be final and conclusive with respect to the validity of claims for reimbursement of such expenses, subject, however, to the general authority of the said Committee on Rules and Administration.

The Contractor agrees and warrants that it will fully complete (its/his/her) services to the Committee hereunder no later than \_\_\_\_\_, 20—, unless said date shall be extended by mutual agreement of the parties to this agreement, and with the approval of said Committee on Rules and Administration.

The Contractor further agrees and warrants that (it/he/she):<sup>1</sup>

1. Has not employed any person to solicit or obtain this agreement for any commission, percentage, brokerage or contingent fee;
2. Will save the Government harmless from liability in performance;
3. Will release no information obtained in carrying out the provisions of the contract without prior consent of the Committee;
4. Will not subcontract or assign elsewhere any of the work or services involved without prior consent of the Committee.
5. Will not discriminate in its performance of this agreement because of race, color, religion, national origin, sex, age, or state of physical handicap, and shall comply with all laws appertaining to the compensation of labor;
6. Has no conflict of interest, direct or indirect, financial or otherwise, which would be applicable to the performance obligations covered by this agreement.
7. If an allegation of a conflict of interest under paragraph 6 is brought to the attention of the Committee, the Contractor agrees to fully cooperate with any investigation of the allegation(s), and will disclose to the Committee any other contract(s) to which it/he/she is a party, public or private, or which it/he/she undertakes during the period of this contract (including contracts entered into during the period of this contract which include duties to be fulfilled after the termination of this contract).

No Member or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom.

Approved by the Committee on  
Rules and Administration of the  
United States Senate

\_\_\_\_\_  
Chairman

Committee on \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Ranking Minority Member

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
Date

<sup>1</sup> In appropriate circumstances the Committee on Rules and Administration may waive, or accept modifications to the following provisions.

## TRAINING OF PROFESSIONAL STAFF

---

### Statutory Authority

AUTHORITY FOR THE TRAINING OF PROFESSIONAL STAFF OF STANDING COMMITTEES OF THE SENATE IS CONTAINED IN SECTION 202(j) OF THE LEGISLATIVE REORGANIZATION ACT OF 1946. THE TEXT OF SECTION 202(j) IS AS FOLLOWS:

SECTION 202(j) OF THE LEGISLATIVE  
REORGANIZATION ACT OF 1946

(2 U.S.C. 72a)

(j)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purposes, approved by such respective Houses, to provide assistance for members of its professional staff in obtaining specialized training, whenever that committee determines that such training will aid the committee in the discharge of its responsibilities. Any joint committee of the Congress whose expenses are paid out of funds disbursed by the Secretary of the Senate or by the Clerk of the House, the Committee on Appropriations of the Senate, and the Majority Policy Committee and Minority Policy Committee of the Senate are each authorized to expend, for the purpose of providing assistance in accordance with paragraphs (2), (3), and (4) of this subsection for members of its staff in obtaining such training, any part of amounts appropriated to that committee.

(2) Such assistance may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration or the Committee on House Administration, as the case may be.

(3) A committee providing assistance under this subsection shall obtain from any employee receiving such assistance such agreement with respect to continued employment with the committee as the committee may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

(4) During any period for which an employee is separated from employment with a committee for the purpose of undergoing training under this subsection, such em-

ployee shall be considered to have performed service (in a nonpay status) as an employee of the committee at the rate of compensation received immediately prior to commencing such training (including any increases in compensation provided by law during the period of training) for the purposes of—

- (A) subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code,
- (B) chapter 87 (relating to Federal employees group life insurance) of title 5, United States Code, and
- (C) chapter 89 (relating to Federal employees group health insurance) of title 5, United States Code.

### **Summary of Essential Requirements**

While the provisions of section 202(j) and the regulations issued pursuant thereto by the Committee on Rules and Administration are deemed quite explicit, Senate committees desiring specialized training for any of their professional staff members should note:

(1) As for consultants, committees desiring authority and funds for the training of their professional staffs must include a specific allotment for the same in their annual or supplemental expenditure authorization resolutions.

(2) That portion of the committee's total funds which is allotted for training may not be exceeded for that purpose. A committee is not precluded, however, from expending funds from that allotment for other authorized purposes.

(3) Approval by the Senate of a resolution containing such a training allotment, however, does not complete the requirements. Specific requests, on an individual basis and in conformity with the regulations which follow below, must be submitted to the Committee on Rules and Administration for final approval.

(4) The Committee on Rules and Administration will consider only requests for training of professional staff that do not exceed a period of 30 days.

(5) While the Legislative Reorganization Act of 1970 limited the training privilege to standing committees (except Appropriations), Public Law 92-136 (85 Stat. 378, Oct. 11, 1971) has extended the same privilege to joint committees, to the Senate Appropriations Committee, and to the Senate Majority and Minority Policy Committees. S. Res. 425, agreed to Aug. 12, 1982, extended this privilege to the Select Committee on Ethics.

The regulations issued by the Committee on Rules and Administration in respect to training of professional staff members of Senate committees, including a sample form for the required "Agreement on Continued Employment", are as follows:

### **Regulations Governing Training of Professional Staff of Senate Committees**

(Adopted by the Committee on Rules and Administration on October 20, 1971; amended July 26, 1979, and September 22, 1982)

Section 202(j) of the Legislative Reorganization Act of 1946, as amended by section 304 of Public Law 91-510, approved October

26, 1970, provides for the expenditure of funds available to standing committees of the Senate for the specialized training of professional staff under certain conditions enumerated therein, including the approval of the Committee on Rules and Administration.

The Committee on Rules and Administration has determined that attendance at conferences, seminars, or briefings by authorized professional staff will not be considered as training under the statutory provisions of section 202(j) when the following conditions apply:

1. The sponsoring organization has been requested to waive or reduce the attendance or registration fee for Government participation;
2. The fee involved (actual or reduced) is not in excess of \$500; and
3. The duration of the meeting does not exceed 5 days.

When all three of the above limitations are met, fees and traveling expenses involved may be incurred by authorized standing committees without specific advance approval of the Committee on Rules and Administration. A fee or time duration for meetings in excess of the aforementioned must be approved in advance by the Committee on Rules and Administration at which time that Committee will determine the classification of the proposed charges as either "training" which requires compliance with all of the provisions of section 202(j), or "non-training".

### **Definitions**

Under the authority granted to it to supervise staff training, the Committee on Rules and Administration has adopted the following definitions:

#### *1. Training*

Training means the process of providing for and making available to an employee, and placing or enrolling the employee in, a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional or technical fields which are or will be directly related to the performance by the employee of official duties for the Senate, in order to increase the knowledge, proficiency, ability, skill and qualifications of the employee in the performance of official duties.

#### *2. Training Expenses*

The following will be considered as "Training Expenses":

(a) Compensation paid an employee during training periods in excess of 15 days. (Excludes the compensation cost involved in seminar attendance within the 2-week range. In these cases, the training expense would be the fees involved and travel expenses incurred, which would be processed on one voucher.)

(b) Travel expenses incurred in direct connection with training.

(c) Tuition, matriculation and other required fees incident thereto.

(d) Such other direct expenses as may be necessary and as approved by the Committee on Rules and Administration.

(e) Fund grants, in lieu of actual expenses, as approved by the Committee on Rules and Administration.

The following requirements shall be contained in the agreements on continued employment (section 202(j)(3)):

1. Each request for approval of a training authorization of more than 15 days duration shall be accompanied by a copy of the agreement specifying a continued employment after training period, as required by section 202(j)(3), signed by the employee; and

2. Each such agreement shall contain a warranty by said employee that a repayment of the training expenditure (excluding compensation) on a pro rata basis commensurate with the unexpired portion of the specified continuous employment period will be made by said employee should he or she leave the Government service prior to the full discharge of the employee's obligation under said agreement. The Committee on Rules and Administration shall be notified immediately of any instance of default.

(A sample form which may be used for such agreement on continued employment is included at the end of these regulations.)

The separation of an employee from a committee for a limited and specified period for the purpose of training, but continuing that employee's benefits as specified by section 202(j)(4), shall also require advanced approval of the Committee on Rules and Administration.

A committee desiring to provide assistance for the specialized training of one or more of its professional staff shall submit its request, in writing, to the Committee on Rules and Administration sufficiently in advance of the proposed training date to allow ample time for decision and reply. The requests shall contain complete explanatory details and comply strictly with the requirements of section 202(j) and these regulations.

The Committee on Rules and Administration will consider only those requests for the training of professional staff which do not exceed a period of 30 days.

**AGREEMENT ON CONTINUED EMPLOYMENT**

This agreement is made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in Washington, D.C., between the \_\_\_\_\_ Committee on \_\_\_\_\_ of the United States Senate (hereafter referred to as the "Committee" and \_\_\_\_\_ (hereafter referred to as the "Employee"). The Committee and the Employee mutually agree as follows:

1. The Committee agrees to pay the following expenses of the Employee related to training received by him/her while enrolled in \_\_\_\_\_ at \_\_\_\_\_ during the period from \_\_\_\_\_ through \_\_\_\_\_:

- (1)
- (2)
- (3)
- (4)
- (5)

2. The Employee agrees to continue in the employment of the Committee for a period of \_\_\_\_\_ commencing after the Employee completes the training referred to in paragraph 1 of this agreement, unless such employment is terminated prior to the end of such period as a result of (1) the death of the Employee, (2) disability of the Employee, (3) the desire of the Committee to terminate the employment of the Employee, or (4) the consent of the Committee to the appointment of the Employee to another position in the United States Government.

3. The Employee agrees that, if he or she is separated from employment with the Committee for any reason other than one of the reasons specified in paragraph 2 of this agreement, and such separation occurs prior to the expiration of a period of continuous employment equal in duration to the period specified in paragraph 2, he or she will make repayment to the United States Government of those training expenses referred to in paragraph 1 (other than compensation) on a pro rata basis commensurate with the portion of such period remaining to be served by the Employee at the time of such separation. For the purposes of this paragraph, employment with the Committee includes employment with any other department, agency, or establishment of the United States Government with the consent of the Committee.

4. The Committee and the Employee agree that this agreement shall have no effect unless the training expenses referred to in paragraph 1 are approved by the Committee on Rules and Administration of the Senate.

Witness our hands the day and year first written above.

Committee on \_\_\_\_\_

By: \_\_\_\_\_

Chairman

\_\_\_\_\_  
Employee

## USE OF AGENCY PERSONNEL BY COMMITTEES OF THE SENATE (REIMBURSABLE AND NON-REIMBURSABLE SERVICES)

---

### Authority

The specific authority and conditions for the use of the services of employees of other Government agencies by committees of the Senate are contained in—

- (1) Paragraph 4 of Rule XXVII of the Standing Rules of the Senate (see below);
- (2) Section 2 of the Wherry Resolution, agreed to by the Senate on June 28, 1945<sup>1</sup>; and
- (3) Individual Senate resolutions authorizing funds for committees (see Resolution Form 1).<sup>2</sup>

#### PARAGRAPH 4 OF RULE XXVII OF THE STANDING RULES OF THE SENATE

4. No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration.<sup>3</sup>

### Procedure

Under the usual procedure, the chairman of a committee desiring to secure the services of the employee of another agency of the Federal Government shall request advance approval, in writing, from the Committee on Rules and Administration for the expenditure of committee funds for such purpose. The chairman's letter should contain the following information:

- (1) The individual's name, title, annual salary, and GS grade and step;
- (2) The general nature of the work to be performed;
- (3) The period of time involved (not to extend beyond the end of the succeeding February);
- (4) A statement designating whether this is a reimbursable or non-reimbursable detail.
- (5) Identification and availability of the funds to be allocated;
- (6) Enclosure of the notification of the particular Government agency's agreement to the temporary detail of its employee; and
- (7) Enclosure for each employee of a completed form, "Agreement To Comply With the Senate Code of Official Conduct". (Forms available from the Select Committee on Ethics.)

---

<sup>1</sup> S. Jour. 288, 79-1, June 28, 1945.

<sup>2</sup> Each portion of the omnibus resolution specifying a committee's authority permits the detail or assignment of personnel from other departments or agencies of the government to the staff of a committee, on either a "reimbursable" or "non-reimbursable" basis.

<sup>3</sup> Section 235(a) of the Legislative Reorganization Act of 1970 prohibits the assignment or detail of any employee of the Government Accountability Office to full-time duty on a continuing basis with any Senate or House committee or joint committee for a period in excess of one year. (Pub. Law 91-510, 84 Stat. 1171, Oct. 26, 1970.)



The Committee on Rules and Administration will reply promptly to all requests of this type and send a copy of its decision to the Senate Financial Clerk for his information and guidance.

## COMPENSATION FOR COMMITTEE STAFF

SUBSECTIONS (e)(3) AND (f) OF SECTION 105 OF THE LEGISLATIVE  
BRANCH APPROPRIATIONS ACT, 1968, AS AMENDED <sup>1</sup>

(2 U.S.C. 61–1)

(e)(3) No employee of a committee of the Senate shall be paid at a gross rate in excess of \$171,315, in case of an employee of a joint committee the expenses of which are paid from the contingent fund of the Senate, \$171,315, in case of an employee of a select committee (including the conference majority and conference minority of the Senate), or \$171,315, in case of an employee of any standing committee (including the majority and minority policy committees) of the Senate.

For the purpose of this paragraph, an employee of a subcommittee shall be considered to be an employee of the full committee.

(f) No officer or employee whose compensation is disbursed by the Secretary of the Senate, shall be paid gross compensation at a rate less than \$2,742 or in excess of \$171,315, unless expressly authorized by law.

---

<sup>1</sup> Authority for the figures included is provided for in Public Law 102–90 and the order of the President pro tempore, Jan. 1, 1993.

## ASSISTANCE WITH COMMITTEE-RELATED WORK

---

Each Member of the Senate is authorized by section 111(c) of the Legislative Branch Appropriation Act, 1978 (Pub. Law 95-94, 91 Stat. 662-663, Aug. 5, 1977), to designate employees in his or her office to assist in connection with membership on committees of the Senate. With certain exceptions, an employee so designated is to be accorded all privileges of a professional staff member of the committee to which designated. The text of section 111 of the Legislative Branch Appropriation Act, 1978, as amended, is as follows:

SEC. 111. (a) Except as provided in subsection (b), the aggregate of the gross compensation which may be paid to employees in the office of a Senator during each fiscal year under section 105(d) of the Legislative Branch Appropriation Act, 1968, as amended and modified (2 U.S.C. 61-1(d)), is increased by an amount equal to three times the maximum annual gross rate that may be paid to an employee of the office a Senator (currently \$508,377).<sup>1</sup>

(b) Repealed, effective the first day of the 100th Congress. (Pub. Law 100-137, Oct. 21, 1987)

(c)(1) A Senator may designate employees in his office to assist him in connection with his membership on committees of the Senate. An employee may be designated with respect to only one committee.

(2) An employee designated by a Senator under this subsection shall be certified by him to the chairman and ranking minority member of the committee with respect to which such designation is made. Such employee shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it. Nothing contained in this paragraph shall be construed to prohibit a committee from adopting policies and practices with respect to the application of this subsection which are similar to the policies and practices adopted with respect to the application of section 705(c)(1) of Senate Resolution 4, 95th Congress, and section 106(c)(1) of the Supplemental Appropriations Act, 1977.

(3) A Senator shall notify the chairman and ranking minority member of a committee whenever a designation of an employee under this subsection with respect to such committee is terminated.

---

<sup>1</sup>Pursuant to Pub. L. 102-392, Oct. 6, 1992.

**REGULATION TO PROVIDE MORE EFFECTIVE CONTROL  
OVER PAYMENTS MADE FROM CONTINGENT FUND OF  
THE SENATE**

(Adopted by the Committee on Rules and Administration on  
October 22, 1975, and amended on December 20, 2007)

---

Each activity authorized to make expenditures from the Contingent Fund of the Senate shall maintain an account of funds so authorized and expended, which account shall be reconciled at least semiannually with the account maintained for such activity by the Senate Disbursing Office. Each reconciliation shall also include an audit of any and all cash advances made to the respective activity under authority of Public Law 118, 81st Congress (2 U.S.C. 69).

The Financial Clerk is directed to report to the Committee on Rules and Administration each time the accounts are reconciled and identify any exceptions arising from the account reconciliation or audit of cash advances. All activities subject to this regulation are hereby directed to complete the first account reconciliation and audit of cash advances no later than February 29, 1976.

The Auditor of the Committee on Rules and Administration shall (1) maintain a record of the reports filed by the Financial Clerk, (2) examine and investigate all reports containing exceptions and report his findings to the Committee, and (3) notify any activity that has not complied with this regulation.

Activity as used in this regulation includes all standing committees, subcommittees, joint committees, select and special committees, offices and commissions, whether funded by an appropriation or a Senate resolution.

**REGULATIONS GOVERNING SEMI-ANNUAL CONTINGENT  
FUND RECONCILIATION**

(Adopted by the Committee on Rules and Administration  
on December 20, 2007)

---

The following are requirements for the semi-annual contingent fund reconciliation:

1. All ledgers are to be maintained under the procedures prescribed by the Disbursing Office, except as noted, for electronic spreadsheet ledgers or ledgers maintained manually as follows:

2. Require ledgers maintained manually be kept in ink.

3. Require all ledgers to be closed out on a monthly basis consistent with the samples which are provided by the Disbursing Office.

4. All outstanding vouchers on the office ledgers must be supported by either the original voucher or copies of the original vouchers which have been signed by the chairman or Senate official. Every effort should be made to determine the status of any unpaid voucher which is more than 90 days old prior to the semi-annual reconciliation.

5. Any ledgers which are submitted for reconciliation which have not been maintained in accordance with the procedures which have been established will not be considered for reconciliation and will be reported to the Committee on Rules and Administration as not having been reconciled.

6. The Disbursing Office will provide ledger copies to all committees or offices monthly. Every effort should be made by the committee or office to reconcile their ledgers with the information provided by the Disbursing Office. If there are any discrepancies they should be resolved immediately.

7. Internal procedures should be established by each committee or office to insure the accuracy, integrity and neatness of their ledgers.

8. Posting errors for ledgers maintained by hand must be corrected through the use of adjusting entries only. At no time will white-out, tape or erasures be used to make corrections.

9. Statutory advances and repayments (travel or petty cash advances) must be posted to the ledger.

10. Two copies of reconciled ledgers maintained by electronic spread sheets are archived; one copy by the committee or Senate office and one copy by the Disbursing Office.

11. Committees or offices which maintain checking accounts are required to present to the Disbursing Office at the time of their account reconciliation the most recent reconciled bank statement. The Disbursing Office may request cancelled checks and reconciled bank statements from prior months if necessary.

12. Running balances are to be maintained on available balance column of both the manual or electronic spread sheet ledgers.

13. Ledger headings, authorizations and page numbers are to be completed for all manually maintained ledgers. The same information should be incorporated into an electronic spread sheet ledger.

14. Manual Ledgers are to be maintained on a 24-column spread ledger available in the Disbursing Office. Electronic spread sheet ledgers are to be maintained only on an approved spread sheet authorized by the Committee on Rules and Administration.

**REGULATIONS GOVERNING PAYMENTS AND REIMBURSEMENTS FROM THE SENATE CONTINGENT FUND FOR EXPENSES OF SENATE COMMITTEES AND ADMINISTRATIVE OFFICES**

(Adopted by the Committee on Rules and Administration on July 23, 1987 as authorized by S. Res. 258, 100th Cong., 1st sess., these regulations supercede regulations adopted by the Committee on October 22, 1975 and April 30, 1981)

---

Section 1. Unless otherwise authorized by law or waived pursuant to Section 6, herein, no payment or reimbursement will be made from the contingent fund of the Senate for any official expenses incurred by any Senate committee (standing, select, joint, or special), commission, administrative office, or other authorized Senate activity whose funds are disbursed by the Secretary of the Senate, in excess of \$50, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is certified by the properly designated staff member and approved by the Chairman or elected Senate officer. The designation of such staff members for certification shall be done by means of a letter to the Chairman of the Committee on Rules and Administration. "Official expenses", for the purposes of these regulations, means ordinary and necessary business expenses in support of a committee's or administrative office's official duties.

Section 2. Such documentation should consist of invoices, bills, statements, receipts, or other evidence of expenses incurred, and should include ALL of the following information:

- (a) date expense was incurred;
- (b) the amount of the expense;
- (c) the product or service that was provided;
- (d) the vendor providing the product or service;
- (e) the address of the vendor; and
- (f) the person or office to whom the product or service was provided.

Expenses being claimed should reflect only current charges. Original copies of documentation should be submitted. However, legible facsimiles will be accepted.

Section 3. Official expenses of \$50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. However, hotel bills or other evidence of lodging costs will be considered necessary in support of per diem expenses and cannot be itemized.

Section 4. Documentation for services rendered on a contract fee basis shall consist of a contract status report form available from the Disbursing Office. However, other expenses authorized expressly in the contract will be subject to the documentation requirements set forth in these regulations.

Section 5. No documentation will be required for the following expenses:

- (a) Salary reimbursement for compensation on a "When Actually Employed" basis;

(b) reimbursement of official travel in a privately owned vehicle;

(c) foreign travel expenses incurred by official congressional delegations, pursuant to S. Res. 179, 95th Cong, 1st sess.;

(d) expenses for receptions of foreign dignitaries, pursuant to S. Res. 247, 87th Cong., 2nd sess., as amended; and

(e) expenses for receptions of foreign dignitaries pursuant to Sec. 2 of Pub. L. 100-71 effective July 11, 1987.

Section 6. In special circumstances, the Committee on Rules and Administration may require documentation for expenses incurred of \$50 or less, or authorize payment of expenses incurred in excess of \$50 without documentation.

Section 7. Cash advances from the Disbursing Office are to be used for travel and petty cash expenses only. No more than \$5,000 may be outstanding at one time for Senate committees or administrative offices, unless otherwise authorized by law or resolution, and no more than \$300 of that amount may be used for a petty cash fund. The individual receiving the cash advance will be personally liable. The Committee on Rules and Administration may, in special instances, increase these nonstatutory limits upon written request by the Chairman of that committee and proper justification.

Section 8. Documentation of petty cash expenses shall be listed on an official petty cash itemization sheet available from the Disbursing Office and should include ALL of the following information:

- (a) date expense was incurred;
- (b) amount of expense;
- (c) product or service provided; and
- (d) the person incurring the expense (payee).

Each sheet must be signed by the Senate employee receiving cash and an authorizing official (i.e., someone other than the employee(s) authorized to certify vouchers). Original receipts or facsimiles must accompany the itemization sheet for petty cash expenses over \$50.

Section 9. Petty cash funds should be used for the following incidental expenses:

- (a) postage;
- (b) delivery expenses;
- (c) interdepartmental transportation (reimbursements for parking, taxi, subway, bus, poa, etc.)
- (d) single copies of publications (not subscriptions);
- (e) office supplies not available in the Senate Stationery Room; and
- (f) official telephone calls made from a staff member's residence or toll charges incurred within a staff member's duty station.

Petty cash funds should not be used for the procurement of equipment.

Section 10. Committees are encouraged to maintain a separate checking account only for the purpose of a petty cash fund and with a balance not in excess of \$300.

Section 11. Vouchers for the reimbursement of official travel expenses to a committee chairman or member, officer, employee, contractor, detailee, or witness shall be accompanied by an "Expense



Summary Report” signed by such person. Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an “Expense Summary Report—Non Travel” signed by such person.

## CONTRACT STATUS REPORT

Name of contractor: ..... SSN: .....

Amount of contract: .....

Contract approval date: ..... Type of contract: .....

[illegible]

**REGULATIONS GOVERNING CASH ADVANCES FOR  
OFFICIAL SENATE TRAVEL**

(Adopted by the Committee on Rules and Administration on July 23, 1987 as authorized by S. Res. 258 and amended December 20, 2007 in the revision of the Senate Travel Regulations)

---

I. These regulations apply to Senate travelers of all authorized activities whose expenses are paid from the contingent fund of the Senate except those travelers whose expenses are paid from a Member's Official Office Expense Account.

II. Cash advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30-day period will be notified by the Disbursing Office that they must repay within 15 days, or their salary may be garnisheed in order to satisfy their indebtedness to the Federal government.

III. No more than two cash advances per traveler may be outstanding at any one time.

IV. Cash advances for travel will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected officers of the Senate.

**POLICY ON COMMITTEE WORK AND HOUSING FOR  
COMMITTEE STAFF**

Pursuant to each committee's authorizing resolution, funds are made available from the Contingent Fund of the Senate to assist a committee in carrying out its powers, duties, and functions under the Standing Rules of the Senate. These responsibilities include holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate. Therefore, committee staff may not engage in work other than committee business.

In addition, it remains the policy of the Rules Committee that all committee staff paid by committee funds will be housed in committee space.

SENATE COMMITTEE FUNDING								
	111th Congress			112th Congress				
	S.Res. 73, agreed to March 10, 2009			S.Res. 81, agreed to March 2, 2011				
	Budget Authorization 24 months	Special Res. Allocation 24 months	Total 111th Congress 24 months	Total Budget Authorization 24 months	S.Res. #	3/1/11- 9/30/11 7 Mths	10/1/11- 9/30/12 12 Mths	10/1/12- 2/28/13 5 Mths
Aging	\$6,636,702	\$385,109	\$7,021,811	\$6,641,534	52	\$1,937,114	\$3,320,767	\$1,383,653
Agriculture	\$9,593,290	\$553,634	\$10,146,924	\$9,600,272	67	\$2,800,079	\$4,800,136	\$2,000,057
Armed Svcs	\$16,273,284	\$915,754	\$17,189,038	\$16,285,268	59	\$4,749,869	\$8,142,634	\$3,392,765
Banking	\$14,746,456	\$885,474	\$15,631,930	\$14,757,213	62	\$4,304,188	\$7,378,806	\$3,074,419
Budget	\$15,380,335	\$937,914	\$16,318,249	\$15,391,680	58	\$4,489,241	\$7,695,840	\$3,206,599
Commerce	\$15,884,733	\$907,982	\$16,792,715	\$15,896,342	64	\$4,636,433	\$7,948,171	\$3,311,738
Energy	\$13,444,892	\$782,261	\$14,227,153	\$13,454,738	56	\$3,924,299	\$6,727,369	\$2,803,070
Environment	\$12,376,391	\$724,190	\$13,100,581	\$12,385,338	50	\$3,612,391	\$6,192,669	\$2,580,278
Finance	\$18,274,011	\$1,053,830	\$19,327,841	\$18,287,341	69	\$5,333,808	\$9,143,671	\$3,809,862
For. Relations	\$15,052,088	\$852,074	\$15,904,162	\$15,063,098	79	\$4,393,404	\$7,531,549	\$3,138,145
H.E.L. & P.	\$20,951,453	\$1,240,821	\$22,192,274	\$20,966,787	57	\$6,115,313	\$10,483,393	\$4,368,081
Homeland Security	\$23,649,278	\$1,436,038	\$25,085,316	\$23,666,604	53	\$6,902,759	\$11,833,302	\$4,930,543
Indian Affrs.	\$5,079,626	\$270,078	\$5,349,704	\$5,083,230	68	\$1,482,609	\$2,541,614	\$1,059,007
Intelligence	\$14,557,763	\$858,876	\$15,416,639	\$14,568,388	54	\$4,249,113	\$7,284,194	\$3,035,081
Judiciary	\$22,900,497	\$1,384,928	\$24,285,425	\$22,917,391	61	\$6,684,239	\$11,458,695	\$4,774,457
Rules	\$6,306,366	\$334,022	\$6,640,388	\$6,311,030	70	\$1,840,717	\$3,155,515	\$1,314,798
Small Bus.	\$5,936,940	\$327,991	\$6,264,931	\$5,941,232	66	\$1,732,860	\$2,970,617	\$1,237,755
Veterans' Affrs.	\$5,489,381	\$318,176	\$5,807,537	\$5,493,386	71	\$1,602,238	\$2,746,693	\$1,144,455
Totals	\$242,533,466	\$14,169,152	\$256,702,618	\$242,710,872		\$70,790,674	\$121,355,435	\$50,564,763

**INTERIM GUIDANCE FOR FY2012 AND FIRST 5 MONTHS  
OF FY2013****112th Congress**

In the fiscal year 2012 Omnibus bill, the Senate Appropriations Committee cut \$8.9 million from the account that funds committees for fiscal year 2012. For the fiscal year 2012, committees were given guidance by the Rules Committee on January 4, 2012, to respond to the reduction in appropriations. This guidance required committees to keep their spending for fiscal year 2012 below the fiscal year 2011 level. Because this \$8.9 million cut in appropriations for committees occurred in the middle of the two-year committee authorization cycle, stopgap guidance had to be given to prevent a deficiency in the appropriations account for fiscal year 2012.

For the first 5 months of fiscal year 2013, the Continuing Resolution (H. J. Res. 117) was enacted into law September 28, 2012. Legislative branch funding, including the Inquiries and Investigations (I&I) account that funds committees, remained almost unchanged from fiscal year 2012 (there was a minor increase of six-tenths of one percent). The Rules Committee asked committees in fiscal year 2013 to continue the same restraint in spending for the remaining five-month period of this authorization cycle as they did in fiscal year 2012.

**SPECIAL RESERVES****112th Congress**

Section 20 of S. Res. 81, established a Special Reserve within the funds in the account "Expenses of Inquiries and Investigations." The special reserve was available to any committee funded by S. Res. 81 on the basis of unanticipated, non-recurring needs. Special reserves had to be requested by the chairman and ranking member of a committee subject to the approval of the chairman and ranking member of the Committee on Rules and Administration. No funding was made available for special reserves in the 112th Congress.